

HOUSE BILL 812

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HB 842/03 - JUD

2004 Regular Session
4r1668
CF 4r2177

By: **Delegates Sophocleus, Amedori, Barkley, Bartlett, Bohanan, Boschert, Bromwell, Cadden, G. Clagett, Conroy, Costa, Donoghue, Dwyer, Gilleland, Leopold, Love, McConkey, McDonough, McMillan, Miller, Minnick, Moe, Murray, O'Donnell, Owings, Paige, Shank, Smigiel, Sossi, and Weir**

Introduced and read first time: February 9, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sentencing - Revisory Power of Courts - Limitations**

3 FOR the purpose of authorizing a defendant who seeks a court to revise, modify, or
4 reduce a sentence to file a certain motion within a certain period; limiting to a
5 certain period the revisory power of courts over sentencing; requiring a decision
6 that changes the original sentence to be in writing and state the reasons for the
7 decision; allowing a motion to revise, modify, or reduce the sentence to be filed at
8 any time in a case involving an illegal sentence, fraud, a mistake, or an
9 irregularity; and generally relating to the revisory power of a court in
10 sentencing.

11 BY adding to
12 Article - Criminal Procedure
13 Section 6-229
14 Annotated Code of Maryland
15 (2001 Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Procedure**

19 6-229.

20 (A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
21 DEFENDANT MAY FILE A MOTION TO REVISE, MODIFY, OR REDUCE A SENTENCE
22 WITHIN 90 DAYS AFTER THE SENTENCE IS IMPOSED.

23 (B) THE COURT SHALL RETAIN REVISORY POWER OVER THE SENTENCE FOR 1
24 YEAR AFTER THE FILING OF THE MOTION TO REVISE, MODIFY, OR REDUCE THE
25 SENTENCE.

1 (C) A DECISION THAT CHANGES THE ORIGINAL SENTENCE SHALL BE IN
2 WRITING AND INCLUDE THE REASONS FOR THE DECISION.

3 (D) A MOTION TO REVISE, MODIFY, OR REDUCE THE SENTENCE MAY BE FILED
4 AT ANY TIME IN A CASE INVOLVING AN ILLEGAL SENTENCE, FRAUD, A MISTAKE, OR
5 AN IRREGULARITY.

6 (E) THE COURT SHALL NOTIFY EACH VICTIM OF THE CRIME COMMITTED BY
7 THE DEFENDANT PRIOR TO REVISING, MODIFYING, OR REDUCING THE SENTENCE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2004.